

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GEOFFREY ROBERT LAWSON,

Plaintiff,

v.

OCWEN LOAN SERVICING, LLC, et
al.,

Defendants.

CASE NO. C10-5481 BHS

ORDER DENYING MOTION
FOR RELIEF

This matter comes before the Court on Plaintiff Geoffrey Robert Lawson's ("Lawson") motion for relief from order of dismissal (Dkt. 86).

On February 10, 2012, the Court dismissed Lawson's complaint because he failed to participate in discovery and failed to respond to the Court's order to show cause. Dkt. 85. On January 25, 2013, Lawson filed a motion for relief from the dismissal order because of excusable neglect. Dkt. 86.

“‘[N]eglect’ in the context of its subject matter carries the idea of negligence and not merely of non-action.” *Pioneer Inv. Services Co. v. Brunswick Associates Ltd.*

1 *Partnership*, 507 U.S. 380, 394 (1993) (quoting *Klapprott v. United States*, 335 U.S. 601,
2 630 (1949)). In this case, Lawson argues that he was incarcerated when the Court
3 ordered him to show cause and that his failure to respond should be considered excusable
4 neglect. Dkt. 86 at 2–5. The Court disagrees. Lawson’s failure to communicate with the
5 Court or respond to any of the multiple documents sent by Defendants was merely
6 inaction and was not due to circumstances beyond his control. Therefore, the Court
7 denies Lawson’s motion because he has failed to meet his burden to show excusable
8 neglect.

9 Dated this 4th day of February, 2013.

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12 BENJAMIN H. SETTLE
13 United States District Judge
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